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Chairman: Mr. Politi ..... (Italy)

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The meeting was called to order at 3.35 p.m.

Agenda item 164: Measures to eliminate international terrorism (*continued*) (A/C.6/55/L.17)

1. **The Chairman** invited the Committee to resume its consideration of draft resolution A/C.6/55/L.17 on which it had been trying to reach a consensus for several days.

2. **Mr. Vamos-Goldman** (Canada), speaking as coordinator for the consultations on the draft resolution, said that, at the 36th meeting of the Committee, all attempts to reach a consensus had failed. Four amendments had been introduced. As far as the current text was concerned, agreement had been reached on the following amendments: in the second preambular paragraph of the English text, the word "relevant" should be deleted; at the end of the seventh preambular paragraph, the words "in accordance with the principles of the Charter, international law and relevant international conventions" should be added; at the end of the tenth preambular paragraph, the words "and other relevant initiatives" should be added; and in paragraph 3, after the words "in accordance with", the words "the Charter of the United Nations and" should be added.

3. **The Chairman** invited the Committee to take action on the draft resolution as orally revised.

4. **Mr. Obeid** (Syrian Arab Republic), speaking in explanation of vote, reaffirmed that, while his country condemned terrorism in all its forms, a clear distinction should be established between terrorism as a crime and the legitimate struggle of peoples against foreign occupation, as in the case of the struggle against Israeli occupation. Occupation and State-sponsored terrorism were the most odious forms of terrorism.

5. His delegation had cooperated with the coordinator for consultations on the draft in order to have key amendments inserted therein, in accordance with the Charter of the United Nations and General Assembly resolutions on terrorism. That would have produced a more balanced text. It was regrettable that it had not been possible to consider those amendments at an open meeting. In that regard, he highlighted the second preambular paragraph which put all General Assembly resolutions on measures to eliminate international terrorism on an equal footing unlike the previous selective wording which, by using the word "relevant" in the English version, established an unacceptable ranking among resolutions. The new wording implicitly reflected the attachment of all States to General Assembly resolution 46/51, which reaffirmed that the struggle of peoples against occupation and for their liberation was legitimate and recognized as such by international law and the Charter of the United Nations.

6. He requested a recorded vote on the draft resolution under consideration, since it did not make any distinction between resistance to occupation and international terrorism. His delegation would abstain during the voting. It regretted the failure to reach a consensus and hoped that the Committee would manage some day to come up with a clearer and more balanced text, reflecting the objective concerns of all delegations.

7. **Ms. Álvarez-Núñez** (Cuba) said that her country condemned all acts and practices of terrorism as well as terrorism in all its forms and manifestations, including terrorism that was encouraged, financed or tolerated by States. For over 40 years, Cuba had been the target of terrorist acts organized and financed from the territory of the United States of America. The most recent example had been the attempted assassination of President Fidel Castro at the tenth Ibero-American summit held on 18 and 19 November 2000; she provided details in that regard. The Cuban Government had referred the matter to the country's justice authorities and would undertake all the necessary procedures with the support of international public opinion, to ensure that the terrorist who had perpetrated the attack was tried and punished. Extradition proceedings had already begun.

8. Her delegation supported the efforts of the United Nations bodies to combat terrorism and reaffirmed the central role of the United Nations as the universal body having competence to combat terrorism, including through the negotiation of a comprehensive convention on international terrorism that provided a clear definition of the phenomenon. She reaffirmed the relevance of all the resolutions adopted by the General Assembly on the subject and accorded special importance to resolution 46/51 of 9 December 1991, which made a distinction between international terrorism and the struggle of peoples for their freedom. She hoped that, during the forthcoming negotiations of the Ad Hoc Committee established by General Assembly resolution 51/210, the concerns expressed by

certain delegations during the negotiations on the draft resolution under consideration would be taken into account.

9. *At the request of the representative of the Syrian Arab Republic, a recorded vote was held on draft resolution A/C.6/55/L.17, as orally revised.*

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mali, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia.

Against:

None.

Abstaining:

Lebanon, Syrian Arab Republic.

10. *Draft resolution A/C.6/55/L.17 was adopted by 131 votes to none, with 2 abstentions.*

11. **Mr. Diab** (Lebanon), said that Lebanon had not joined the consensus on the text because the need for a legal structure to combat terrorism did not justify eliminating the fundamental principles of the Charter of the United Nations and of international law concerning the right of peoples to struggle against foreign occupation and their right to self-determination. He regretted that the draft resolution that had been adopted made no clear distinction between terrorism and resisting foreign occupation; that could give rise to a political interpretation likely to jeopardize the cooperation being discussed. Such a distinction was needed, particularly to draw the line between violence against civilian populations for political, religious or ethnic reasons and military actions against armed forces of occupation, since peoples had an inalienable right to struggle for their freedom and sovereignty.

12. His delegation was of the view that the second preambular paragraph of the text referred to General Assembly resolution 46/51, which had been adopted by consensus. The reference to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, the United Nations Millennium Declaration and the principles of the Charter tended to make a clear distinction between terrorism and the struggle of peoples against foreign occupation. That distinction was enshrined in international instruments on the fight against terrorism and crime. Consequently, none of the provisions of the draft resolution detracted from the right to struggle against Israeli occupation, an inalienable right recognized in the Charter of the United Nations. His Government condemned all acts of terrorism and was prepared to cooperate with the international community in combating such acts. Clear criteria should however be drawn up to define acts of terrorism, in order to intensify that fight.

13. **Mr. Haque** (Pakistan) said that, of all the resolutions on international terrorism adopted by the General Assembly over the years, resolution 46/51 of 9 December 1991 was unquestionably the most important because, in addition to recognizing the need to arrive at a generally agreed definition of terrorism, it reaffirmed the legitimacy of the struggle against foreign domination. His delegation therefore considered that resolution 46/51 was one of those referred to in the second preambular paragraph of draft resolution A/C.6/55/L.17.

14. **Mr. Mirzaee-Yengejeh** (Islamic Republic of Iran) said that the draft as adopted clearly referred to General Assembly resolution 46/51 of 9 December 1991.

15. **Mr. Rosenstock** (United States of America), speaking in exercise of the right of reply, rejected the accusations against his country. They were not only completely unfounded but also inappropriate in a discussion of international terrorism. Acts of international terrorism could be committed only by groups or individuals, whereas States could only commit violations of the provisions of international law and the Charter of the United Nations.

16. **Ms. Álvarez-Núñez** (Cuba), responding to the representative of the United States of America, said that she had made no accusations against that country. She had merely related facts which had already been denounced many times before the Committee and the General Assembly, which proved that for 40 years acts of terrorism against Cuba had been organized, led and financed from the United States, or even perpetrated by United States nationals with complete impunity. In support of her statements, she gave the names of several persons involved. She would send to all missions accredited to the United Nations a complete file with full details of the assassination conspiracy led by United States nationals of Cuban origin against Mr. Fidel Castro during his visit to Panama for the Tenth Ibero-American Summit.

17. **Mr. Jacob** (Israel) referring to the recent Palestinian terrorist attacks on Israeli civilians, said he categorically rejected the argument by the representatives of the Syrian Arab Republic and Lebanon that the right to national liberation justified the murder of innocents. He considered such acts to be contrary to all the rules of international law and all United Nations resolutions, including the one that the Committee had just adopted (A/C.6/55/L.17). He also denounced efforts to describe incidents in the Middle East during the past six weeks as a conflict between the Israeli army and an unarmed civilian population. In fact, the Israeli forces had reacted with restraint and moderation to the approximately 1,350 recent attacks with explosives, guns and automatic weapons of which they had been the target. In contrast to the image that the media and the representatives of the Syrian Arab Republic and Lebanon endeavoured to present, Israeli forces had used large-calibre weapons only to protect the lives of Israelis against attacks from positions held by the Palestinian security forces. They had not fired directly at the civilian victims. Israel profoundly regretted all civilian losses, whether Israeli or Palestinian, and urged all parties to renounce and put an end to violence, restore cooperation on security issues and resume negotiations towards a peaceful solution.

18. Speaking in reply to the representative of Lebanon, he said that Israel had withdrawn from Lebanese territory under Security Council resolution 425 (1978), as had been confirmed by the Secretary-General and the Security Council, whereas Lebanon continued to encourage terrorist attacks on Israel from Lebanon. He therefore urged the Lebanese Government to fulfil the obligations incumbent upon it under that resolution.

19. **Mr. Obeid** (Syrian Arab Republic) said that the State of Israel was violating the two essential conditions that had been set at the time of its creation, namely, the love of peace and respect for international law. Since 1967, it had occupied by force territories that did not belong to it and had thereby violated international law, United Nations resolutions, particularly Security Council resolutions 242 (1967) and 338 (1973), and the international humanitarian law to which its own representative had just referred. If Israel was as peace-loving as it claimed to be, it should respect the conditions for peace and withdraw from all the territories that it occupied.

20. In fact, however, the events of recent weeks were the most violent that had occurred since 1967; over 250 Palestinians, including a child in his father's arms, had died, and thousands of civilians had been fired upon by the Israeli army. The United Nations High Commissioner for Human Rights, Mary Robinson, whom the Secretary-General had sent there, had herself been a victim of that violence when her convoy had been attacked by Israeli settlers, thereby preventing her from carrying out her fact-finding mission. Recently, an expert marksman of the Israeli army had told a major Israeli newspaper that anyone over 12 years old was considered an adult and could therefore be killed with a bullet through the head. It had been proved that the majority of Palestinian civilian victims of Israeli fire had been shot in the head, chest or back, which contradicted the representative of Israel's argument that they had all been hit by stray bullets. The international community would judge the sincerity of Israel's claims

to desire peace in the light of the real situation on the ground.

21. **Mr. Diab** (Lebanon) said that the representative of Israel had neglected to mention the fact that Israel itself was occupying Arab territory in violation of United Nations resolutions, international law and international humanitarian law, whereas the Palestinian people, for its part, was resisting Israeli occupation in accordance with all international rules. If terrorist acts existed, they had been committed by Israel, specifically, the 1996 Qana bombing of Lebanese civilian populations under United Nations protection, the occupation of the territory of other States, the sending of armed settlers into the occupied territories and the taking of Palestinian prisoners as hostages with the approval of the Israeli Supreme Court.

22. **Mr. Jacob** (Israel) said that the refusal by the Syrian Arab Republic and Lebanon to vote in favour of the draft resolution on terrorism spoke for itself. Nevertheless, he hoped that in future, Sixth Committee debates would be distinguished by professional rigour and a spirit of consensus.

23. **Mr. Obeid** (Syrian Arab Republic) said that he had abstained during the vote not because he refused to take part in the fight against international terrorism, but because he believed that Israeli terrorism was in a class of its own. That had been demonstrated during the debates on the subject in the General Assembly, the Security Council and the Economic and Social Council and by the 25 resolutions condemning such terrorism that had been adopted by the last of those bodies. The Israeli representative claimed that his country was committed to peace, but he was careful not to talk about the crimes his country had committed in violation of the precepts of international law, including the murder of four Palestinian civilian students that had been committed that very day by the Israeli armed forces.

24. **Mr. Diab** (Lebanon) said that the representative of Israel had not understood the reasons for his abstention. Far from opposing the draft resolution, he had wished, by his abstention, to express his regret that no distinction had been made between the terrorism engaged in by the Israeli forces of occupation and the legitimate struggle, in accordance with international law, of national liberation movements against foreign occupation. The narrow interpretation that Israel, motivated by political considerations, wished to give to the term "terrorism" did not serve the interests of the international community, which had been mobilized with a view to seeking a solution to the problem.

25. **The Chairman** said that the Committee had concluded its consideration of agenda item 164 on measures to eliminate international terrorism.

Tribute to Mr. Rosenstock

26. **The Chairman** said that Mr. Robert Rosenstock, the representative of the United States of America, was about to retire. He noted the highlights of his 36-year career as a member of his country's Permanent Mission. Throughout those years, Mr. Rosenstock had taken part in several codification conferences and helped to elaborate many important legal instruments, including the Vienna Convention on the Law of Treaties, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Definition of Aggression, the Stockholm Declaration on the Human Environment and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. As a member of the International Law Commission (ILC), Mr. Rosenstock had been instrumental in the drafting of the important Rome Statute of the International Criminal Court. He had also served as the Commission's Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses and had acted as an expert adviser in the negotiations that had led to the conclusion of the relevant Convention.

27. Throughout his long career, Mr. Rosenstock had demonstrated that he possessed the best qualities of a diplomat and international jurist, including a deep commitment to the Charter of the United Nations, to the Organization and to the rule of law. He had shown himself to be a forceful advocate for his country, yet, pragmatic in his search for solutions to seemingly intractable political and legal problems. The Sixth Committee would be deprived of the presence of a great jurist and friend who had always shared his experience and knowledge with new and younger delegates. The Committee hoped that Mr. Rosenstock would come back as often as possible.

Closure of the session

28. After an exchange of courtesies the Chairman declared that the Sixth Committee had concluded its work for the fifty-fifth session.

The meeting rose at 5 p.m.